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19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

21 BILLFLOAT INC. dba SMARTBIZ
LOANS, a Delaware corporation,

Case No. 3:20-cv-09325-EMC

22 Plaintiff,

AMENDED JOINT TRIAL EXHIBIT LIST

23 v.

24 COLLINS CASH INC. dba SMART
BUSINESS FUNDING, a New York
25 Corporation; and ABRAHAM COHEN,
an individual,

26 Defendants.
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Exhibit	Pty	Document Description	Bates Range(s)	Witness(es) / Purpose	Objection(s) & Party ¹	Response to Objections	Court Use
Trial Ex. 1	P	03/27/2014 Trademark Registration Certificate for SmartBiz Reg. No. 4475356 (ECF No. 50-1 Ex. G)		Evan Singer: likelihood of confusion			
Trial Ex. 2	P	01/02/2018 Trademark Registration Certificate for SmartBiz Loans Reg. No. 5368330		Evan Singer: likelihood of confusion			
Trial Ex. 3	P	12/11/2018 Trademark Registration Certificate for SmartBiz Reg. No. 5685165		Evan Singer: likelihood of confusion			
Trial Ex. 4	P	03/12/2019 Trademark Registration Certificate for SmartBiz Advisor Reg. No. 5695705		Evan Singer: likelihood of confusion			
Trial Ex. 5	P	03/12/2019 Trademark Registration Certificate for SmartBiz Advisor Reg. No. 5695704		Evan Singer: likelihood of confusion			
Trial Ex. 6	P	03/20/2020 Notice Of Acknowledgement Under Section 15 for SmartBiz Reg. No. 4475356		Evan Singer: likelihood of confusion			
Trial Ex. 7	P	SmartBiz Logo (Singer Depo Ex. 11)	BF0000177	Evan Singer: likelihood of confusion			
Trial Ex. 8	J	07/30/2013 Trademark specimen submitted in connection with Trademark Application U.S. Serial No. 86023486 for SmartBiz (Singer Depo Ex. 19)		P: Evan Singer: likelihood of confusion D: Evan Singer: demonstrative evidence and impeachment evidence.			

¹ The parties objections are referred to as follows: A = Not authenticated pursuant to Fed. R. Evid. 901; C = Cumulative; F = Lack of Foundation; H = Hearsay; IC = Incomplete Document; S = Improper Compilation or Summary; O = Improper Opinion; R =Not Relevant; P = Unduly prejudicial or waste of time pursuant to Fed. R. Evid. 403; ND = Not timely disclosed

Trial Ex. 9	J	SmartBiz Logo (Singer Depo Ex. 12)	BF0000178	P: Evan Singer: likelihood of confusion D: Evan Singer: demonstrative evidence and impeachment evidence.			
Trial Ex. 10	J	07/30/2013 Trademark Application U.S. Serial No. 86023486 (Singer Depo Ex. 20)		P: Evan Singer: likelihood of confusion D: Evan Singer: demonstrative evidence and impeachment evidence.			
Trial Ex. 11	P	05/13/2013 SmartBiz First Logos	BF0092796- BF0092798	Evan Singer/likelihood of confusion			
Trial Ex. 12	J	Timeline of logo development (Singer Depo Ex. 15)	BF0092799	P: Evan Singer: likelihood of confusion D: Evan Singer: demonstrative evidence and impeachment evidence.			
Trial Ex. 13	J	[AEO] BillFloat SmartBiz Launch Proposed PR Plan (Singer Depo Ex. 16)	BF0000133- BF0000135	P: Evan Singer: likelihood of confusion D: Evan Singer: demonstrative evidence and impeachment evidence.			

Trial Ex. 14	P	SmartBiz site (ECF No. 50-1 Ex. L)		Evan Singer: likelihood of confusion			
Trial Ex. 15	J	SBA Perceptions Logo Survey (Singer Depo Ex. 18)	BF0092852- BF0092854	P: Evan Singer: likelihood of confusion D: Evan Singer: demonstrative evidence and impeachment evidence.			
Trial Ex. 16	J	2013 SmartBiz “SBA loans made easy” ad (Singer Depo Ex. 9)	BF0000127- BF0000128	P: Evan Singer: likelihood of confusion D: Evan Singer: demonstrative evidence and impeachment evidence.			
Trial Ex. 17	J	05/22/2013 [AEO] BillFloat Marketing Update (Singer Depo Ex. 7)		P: Evan Singer: likelihood of confusion D: Evan Singer: demonstrative evidence and impeachment evidence.			
Trial Ex. 18	J	05/24/2013 BillFloat SmartBiz Loan Website, Design Proof Final (Singer Depo Ex. 8)		P: Evan Singer: likelihood of confusion D: Evan Singer: demonstrative evidence and impeachment evidence.			

Trial Ex. 19	P	06/01/2013 Beth Moore' SmartBiz Website Copy Invoice	BF0000113	Evan Singer: likelihood of confusion			
Trial Ex. 20	P	09/17/2013 BillFloat SmartBiz PR Plan_	BF0000143-BF0000147	Evan Singer: likelihood of confusion			
Trial Ex. 21	P	09/19/2013 SmartBiz Golden Pacific Bank "Grow Your Business" Postcard	BF0000125-BF0000126	Evan Singer: likelihood of confusion			
Trial Ex. 22	P	12/20/2013 SmartBiz Marketing Kit "Need Money to Grow Your Business?"	BF0000138	Evan Singer: likelihood of confusion			
Trial Ex. 23	P	12/20/2013 SmartBiz Marketing Kit "Affordable Business Lending" Flyer	BF0000139-BF0000140	Evan Singer: likelihood of confusion			
Trial Ex. 24	P	Infogroup -SmartBiz Female Owners Spreadsheet	BF0071786-BF0073986	Evan Singer: likelihood of confusion			
Trial Ex. 25	P	01/30/2014 BillFloat Better Finance Identity, Design Proof Round 2	BF0000148-BF0000155	Evan Singer: likelihood of confusion			
Trial Ex. 26	P	Tradeshow and Conference Sponsorships List for 2014-2017	BF0092950	Evan Singer: likelihood of confusion			
Trial Ex. 27	P	02/03/2014 [Confidential] 2014 SmartBiz Marketing Plan & Budget Q1&Q2	BF0000156-BF0000161	Evan Singer: likelihood of confusion			
Trial Ex. 28	P	02/04/2013 Estimate for Testimonial Video Production	BF0000162-BF0000163	Evan Singer: likelihood of confusion			
Trial Ex. 29	P	02/07/2014 BillFloat Better Finance Identity, Design Proof Round 4	BF0000164-BF0000165	Evan Singer: likelihood of confusion			
Trial Ex. 30	P	04/02/2013 Better Finance Tradeshow Banner Design, Design Proof Round 3.2	BF0000275-BF0000276	Evan Singer: likelihood of confusion			
Trial Ex. 31	P	03/21/2014 Better Finance – SmartBiz Business System: Business Card, Envelope, Letterhead	BF0000189-BF0000192	Evan Singer: likelihood of confusion			

Trial Ex. 32	P	04/05/2013 Beth Moore' Creative Brief to BillFloat SmartBiz (Singer Depo Ex. 3)		P: Evan Singer: likelihood of confusion			
Trial Ex. 33	P	03/17/2014 SmartBiz Commercial	BF0000188	P: Evan Singer: likelihood of confusion			
Trial Ex. 34	J	04/29/2014 Better Finance Tradeshow Banner Designs, Design Proof Round 3 (Singer Depo Ex. 10)	BF0000207-BF0000209	P: Evan Singer/likelihood of confusion D: Evan Singer: demonstrative evidence and impeachment evidence.			
Trial Ex. 35	J	04/09/2013 Estimate for SmartBiz Logo and Website Design (Singer Depo Ex. 4)	BF0000010	P: Evan Singer: likelihood of confusion D: Evan Singer: demonstrative evidence and impeachment evidence.			
Trial Ex. 36	P	04/09/2013 [Confidential] SmartBiz Marketing Plan, Q2 Plan 2013	BF0000006-BF0000009	Evan Singer: likelihood of confusion			
Trial Ex. 37	J	06/13/2014 [AEO] Q3 SmartBiz Marketing Budget Recommendation (Singer Depo Ex. 17)	BF0000212-BF0000216	P: Evan Singer: likelihood of confusion D: Evan Singer: demonstrative evidence and impeachment evidence.	Plaintiff: H, F, R, P	Defendants: Mr. Singer will provide the foundation for his document as the identified corporate witness. Relevant to show "BIZ" use in marketplace.	

Trial Ex. 38	J	04/22/2013 Schedule for Brand Identity and Website Design (Singer Depo Ex. 5)	BF0000011-BF0000012	P: Evan Singer: likelihood of confusion D: Evan Singer: demonstrative evidence and impeachment evidence.	Plaintiff: H, F, R, P	Defendants: No response.	
Trial Ex. 39	P	06/19/2014 SmartBiz Golden Pacific Bank Marketing Kit “Affordable Business Lending”	BF0000217-BF0000218	Evan Singer: likelihood of confusion			
Trial Ex. 40	J	04/23/2013 [AEO] BillFloat SmartBiz Loan Identity, Design Proof Round 1 (Singer Depo Ex. 6)		P: Evan Singer: likelihood of confusion D: Evan Singer: demonstrative evidence and impeachment evidence.			
Trial Ex. 41	P	08/22/2014 BillFloat Better Finance SmartBiz Bank Partnership Flyer, Final	BF0000230-BF0000232	Evan Singer: likelihood of confusion			
Trial Ex. 42	P	08/22/2014 BillFloat Better Finance SmartBiz Center State Bank Flyer, Final	BF0000220-BF0000222	Evan Singer: likelihood of confusion			
Trial Ex. 43	P	08/22/2014 BillFloat Better Finance SmartBiz Statement Stuffer, Final	BF0000228-BF0000229	Evan Singer: likelihood of confusion			
Trial Ex. 44	P	08/29/2014 BillFloat Better Finance SmartBiz Bank Partnership CalAsian Chamber of Commerce Flyer, Final	BF0000243-BF0000245	Evan Singer: likelihood of confusion			
Trial Ex. 45	P	08/29/2014 BillFloat Better Finance SmartBiz Bank Partnership International Funding Group Flyer, Final	BF0000238-BF0000240	Evan Singer: likelihood of confusion			

Trial Ex. 46	P	09/22/2014 [Confidential] Q4 SmartBiz Marketing Budget Recommendation	BF0000251-BF0000257	Evan Singer: likelihood of confusion			
Trial Ex. 47	P	12/16/2014 [Confidential] Q1 2015 SmartBiz Marketing Budget Recommendation	BF0000264-BF0000269	Evan Singer: likelihood of confusion			
Trial Ex. 48	P	02/2015 [Confidential] Q2 2015 SmartBiz Marketing Budget Recommendation	BF0015823-BF0015828	Evan Singer: likelihood of confusion			
Trial Ex. 49	P	02/02/2015 SmartBiz Sam's Club Flyer	BF0000270	Evan Singer: likelihood of confusion			
Trial Ex. 50	P	03/18/2015 Estimate for Better Finance	BF0092672	Evan Singer/likelihood of confusion			
Trial Ex. 51	P	03/18/2015 SmartBiz Approved Survey	BF0019947-BF0019955	Evan Singer/likelihood of confusion			
Trial Ex. 52	P	2013 SmartBiz First Logo Statement Stuffer	BF0000141-BF0000142	Evan Singer: likelihood of confusion			
Trial Ex. 53	P	04/30/2015 SmartBiz Loans UCCs 33000 Spreadsheet	BF0000277-BF0002914	Evan Singer: likelihood of confusion			
Trial Ex. 54	P	2015 BillFloat Media Coverage, SSPR (ECF No. 50-1 Ex. J)		Evan Singer: likelihood of confusion			
Trial Ex. 55	P	05/01/2015 DM Solutions 399 List	BF0002915-BF0005034	Evan Singer: likelihood of confusion			
Trial Ex. 56	P	2015 SmartBiz Sam Club's Digital budget July-December	BF0053696-BF0053697	Evan Singer: likelihood of confusion			
Trial Ex. 57	P	2015 [CONFIDENTIAL] SmartBiz Strategic Partner Guide	BF0071195-BF0071205	Evan Singer: likelihood of confusion			
Trial Ex. 58	P	2016 Meridian Best Final Lists for January 2016 Spreadsheet	BF0084579-BF0086391	Evan Singer: likelihood of confusion			

Trial Ex. 59	P	2016 Meridian FAIR final lists for January 2016 Mailer Spreadsheet	BF0082358-BF0084578	Evan Singer: likelihood of confusion			
Trial Ex. 60	P	2016 SmartBiz Conferences & Tradeshow 2016 Spreadsheet	BF0092781-BF0092782	Evan Singer: likelihood of confusion			
Trial Ex. 61	P	05/01/2015 Infogroup Email General Biz Spreadsheet	BF0015834-BF0017706	Evan Singer: likelihood of confusion			
Trial Ex. 62	P	05/2015 [Confidential] Q3 2015 SmartBiz Marketing Budget Recommendation	BF0015829-BF0015833	Evan Singer: likelihood of confusion			
Trial Ex. 63	P	05/07/2015 UCC MCA Order Spreadsheet	BF0005035-BF0006054	Evan Singer: likelihood of confusion			
Trial Ex. 64	P	05/29/2015 Info Group List Spreadsheet	BF0017707-BF0019922	Evan Singer: likelihood of confusion			
Trial Ex. 65	J	06/05/2015 BillFloat mailers (Singer Depo Ex. 45)		P: Evan Singer: likelihood of confusion D: Evan Singer: demonstrative evidence and impeachment evidence.			
Trial Ex. 66	P	06/22/2015 Better Finance SmartBiz Website Homepage, "How It Works", and "Partners" Section, Design Proof Round 7	BF0019956-BF0019968	Evan Singer: likelihood of confusion			
Trial Ex. 67	P	07/01/2015 Infogroup UCC MCA Order Spreadsheet	BF0053220-BF0053695	Evan Singer: likelihood of confusion			
Trial Ex. 68	P	07/01/2015 Meridian SmartBiz 78006 Spreadsheet	BF0019969-BF0021803	Evan Singer: likelihood of confusion			
Trial Ex. 69		INTENTIONALLY LEFT BLANK					

Trial Ex. 70	P	08/11/2015 Sam's Club Grow your business: exclusive Sam's Club business member savings email with SmartBiz ad	BF0092673-BF0092675	Evan Singer: likelihood of confusion			
Trial Ex. 71	P	09/04/2015 SmartBiz Creative sets	BF0053929-BF0053938	Evan Singer: likelihood of confusion			
Trial Ex. 72	P	10/21/2015 Meridian MCA UCCs 8093 Spreadsheet	BF0055783-BF0056291	Evan Singer: likelihood of confusion			
Trial Ex. 73	P	10/21/2015 Meridian MCA UCCs Dentists Spreadsheet	BF0055775-BF0055782	Evan Singer: likelihood of confusion			
Trial Ex. 74	P	10/21/2015 Meridian Equipment Leasing UCCs 31984 Spreadsheet	BF0053939-BF0055774	Evan Singer: likelihood of confusion			
Trial Ex. 75	P	12/23/2015 Infogroup UCC order MCA Spreadsheet	BF0076114-BF0076273	Evan Singer: likelihood of confusion			
Trial Ex. 76	P	10/23/2015 Infogroup UCC Order Dentists Spreadsheet	BF0065606-BF0069896	Evan Singer: likelihood of confusion			
Trial Ex. 77	P	10/23/2015 Infogroup UCC Order Equipment Leasing Spreadsheet	BF0058602-BF0065605	Evan Singer: likelihood of confusion			
Trial Ex. 78	P	10/28/2015 ADA Dental List Home Address Spreadsheet	BF0070569-BF0071158	Evan Singer: likelihood of confusion			
Trial Ex. 79	P	11/10/2015 Better Finance SmartBiz Excel Eligibility Checklist, Production Round One	BF0071164-BF0071164	Evan Singer: likelihood of confusion			
Trial Ex. 80	P	11/13/2015 SmartBiz Case Study: SBA Working Capital Loan with Leasing	BF0071168-BF0071169	Evan Singer: likelihood of confusion			
Trial Ex. 81	P	11/13/2015 SmartBiz company description	BF0071194	Evan Singer: likelihood of confusion			

Trial Ex. 82	P	11/18/2015 California Filings Unified Spreadsheet	BF0075589-BF0075621	Evan Singer: likelihood of confusion			
Trial Ex. 83	P	12/03/2015 Infogroup UCC Dentists Spreadsheet	BF0074467-BF0074586	Evan Singer: likelihood of confusion			
Trial Ex. 84	P	12/03/2015 Infogroup UCC Unmatched Spreadsheet	BF0074587-BF0075588	Evan Singer: likelihood of confusion			
Trial Ex. 85	P	12/07/2015 Infogroup UCC Equipment Leasing Spreadsheet	BF0073987-BF0074326	Evan Singer: likelihood of confusion			
Trial Ex. 86	P	12/07/2015 Infogroup UCC MCA Spreadsheet	BF0074327-BF0074466	Evan Singer: likelihood of confusion			
Trial Ex. 87	P	12/09/2015 Meridian Smart Business Loans UCCs_MCA 8885 Spreadsheet	BF0071221-BF0071785	Evan Singer: likelihood of confusion			
Trial Ex. 88	P	12/23/2015 Infogroup UCC Order Dentists Spreadsheet	BF0076733-BF0076897	Evan Singer: likelihood of confusion			
Trial Ex. 89	P	12/23/2015 Infogroup UCC Order Equipment Leasing Spreadsheet	BF0075630-BF0076113	Evan Singer: likelihood of confusion			
Trial Ex. 90	P	12/23/2015 Infogroup UCC Order Other Spreadsheet	BF0077360-BF0082357	Evan Singer: likelihood of confusion			
Trial Ex. 91	P	12/24/2015 Meridian UCC Dentists Spreadsheet	BF0076276-BF0076293	Evan Singer: likelihood of confusion			
Trial Ex. 92	P	12/24/2015 Meridian UCC MCA (Non-Dentists) Spreadsheet	BF0076294-BF0076732	Evan Singer: likelihood of confusion			
Trial Ex. 93	P	Target Business Spreadsheet ("Brad's list")	BF0086392-BF0086409	Evan Singer: likelihood of confusion			
Trial Ex. 94	P	12/28/2015 Infogroup UCC Order Factors Spreadsheet	BF0076898-BF0077359	Evan Singer: likelihood of confusion			

Trial Ex. 95	P	12/29/2015 Infogroup Dentists Spreadsheet	BF0086410-BF0088813	Evan Singer: likelihood of confusion			
Trial Ex. 96	P	12/29/2015 Infogroup Insurance Spreadsheet	BF0090939-BF0092668	Evan Singer: likelihood of confusion			
Trial Ex. 97	P	12/29/2015 Infogroup Legal Spreadsheet	BF0088814-BF0090938	Evan Singer: likelihood of confusion			
Trial Ex. 98	P	09/22/2016 Member Services Email with SmartBiz Sam Club's Ad	BF0092676	Evan Singer: likelihood of confusion			
Trial Ex. 99	P	03/24/2017 Email from Tom Hallstrom to Ezra Friedman and Anthony Collin re SBF & CFA working together? Re: Ezra from Smart ISO agreement for Tom	CC4662-CC4666	Abraham Cohen: likelihood of confusion	Defendants: H	Plaintiff: Pursuant to FRE803(1), FRE803(3), and/or FRE807, Mr. Hallstrom's statements in TX099 demonstrate his then-existing state of mind (i.e., confusion) and present sense impression of what had been communicated to him during a telephone call with Mr. Cohen. Further, pursuant to FRE803(6), the document is a business record of Collins Cash, that was produced by Collins Cash in this case. Plaintiff expects that Mr. Cohen will verify that the record was contemporaneous and kept in the course of regular business. Alternatively, TX099 is being offered to impeach the credibility of Mr. Cohen who is expected to testify that he was unaware of any individuals actually being confused between Collins Cash and BillFloat.	

Trial Ex. 100	P	04/25/2018 Email from report@meltwater.com to Gabriel Gagner re SmartBiz Loans in the Media_ 12 New Results	BF0092855-BF0092857	Evan Singer: likelihood of confusion and foundation Abraham Cohen: likelihood of confusion	Defendants: F	Plaintiff: TX100 demonstrates that the SmartBiz mark was being widely used in the market, and Plaintiff expects to use the exhibit to impeach Mr. Cohen. Furthermore, if necessary, Mr. Singer can also testify to the foundation for TX0100.	
Trial Ex. 101	P	05/29/2018 Email to Lauren Bankiewicz forwarding SmartBiz: David Ayers assigned a conversation with Abraham Cohen to themselves	BF0092858-BF0092860	Abraham Cohen: likelihood of confusion			
Trial Ex. 102	J	05/29/2018-05/30/2018 Email string between Nick Fragoso and Abraham Cohen re SmartBiz Loans – Flying Horse Communication (Singer Depo Ex. 24)	BF0092893-BF0092915	P: Evan Singer: likelihood of confusion, willfulness D: Abraham Cohen and Evan Singer: demonstrative evidence and impeachment evidence.			
Trial Ex. 103	J	08/22/2018 Smart Business Funding Marketing email re Just funded \$300,000.00 to an Energy Company! (Singer Depo Ex. 26, ECF No. 50-2 Ex. X)	BF0092916-BF0092920	P: Evan Singer: rebuttal to laches defense D: Abraham Cohen and Evan Singer: demonstrative evidence and impeachment evidence.			
Trial Ex. 104	P	08/22/2018-11/08/2019 Sample Smart Business Funding Marketing emails (ECF No. 50-1 Ex. T)		Evan Singer: likelihood of confusion, rebuttal to laches defense			

Trial Ex. 105	J	08/28/2018 Email to Lauren Bankiewicz forwarding re SmartBiz: Tiffany Martinez closed a conversation with Abraham Cohen (Singer Depo Ex. 28)	BF0092922-BF0092924	P: Evan Singer: likelihood of confusion D: Abraham Cohen and Evan Singer: demonstrative evidence and impeachment evidence.	Plaintiff: H, F	Defendants: Abraham Cohen will provide the foundation for the document as the CEO and sole employee of Collins Cash. It is an admission against interest per FRE 804(b)(3).	
Trial Ex. 106	J	09/07/2018 Email to Lauren Bankiewicz forwarding message from Tiffany Martinez to Abraham Cohen re [SmartBiz] Smart Business Funding: 'SBF-Smart Business Funding' (Singer Depo Ex. 29)	BF0092925-BF0092927	P: Evan Singer: likelihood of confusion Abraham Cohen: impeachment and willfulness D: Abraham Cohen and Evan Singer: demonstrative evidence and impeachment evidence.			
Trial Ex. 107	P	09/18/2018 [AEO] Email from the SmartBiz team to Abraham Cohen re SmartBiz Introduces Non-SBA Bank Term Loans	CC3613-CC3615	Evan Singer: likelihood of confusion Abraham Cohen: impeachment and willfulness			
Trial Ex. 108	J	09/20/2018 Email notice of new voice message to Nick Fragoso from Mike Brooks (Singer Depo Exs. 21, 30)	BF0092928-BF0092929	P: Evan Singer: likelihood of confusion Abraham Cohen: impeachment and willfulness D: demonstrative evidence and impeachment evidence	Plaintiff: H, F	Defendants: Abraham Cohen will provide the foundation for the document as the CEO and sole employee of Collins Cash. It is an admission against interest per FRE 804(b)(3).	

Trial Ex. 109	P	07/01/2019 Email re EMC2 Logistics LCC (Cohen Depo Ex. U)	CC1053	Abraham Cohen: likelihood of confusion			
Trial Ex. 110	P	07/12/2019 Smart Business Funding Marketing email re #SmartBusinessFunding (ECF No. 50-2 Ex. Z)	BF0000006-BF0000007	Evan Singer: likelihood of confusion			
Trial Ex. 111	J	07/16/2019 Email from Tiffany Martinez forwarding email from Mike Brooks to Danny Valenzuela Fwd: Shayne McBride & Associates (Singer Depo Ex. 32)	BF0092933-BF0092934	P: Evan Singer: likelihood of confusion D: Abraham Cohen and Evan Singer: demonstrative evidence and impeachment evidence.	Plaintiff: H, F	Defendants: Abraham Cohen will provide the foundation for the document as the CEO and sole employee of Collins Cash. It is an admission against interest per FRE 804(b)(3) and a business record per 803(6).	
Trial Ex. 112	J	07/22/2019 Email notice of new voice message to Merrina Guitteau from Mike Brooks (Singer Depo Ex. 33)	BF0092937-BF0092938	P: Evan Singer: likelihood of confusion D: Abraham Cohen and Evan Singer: demonstrative evidence and impeachment evidence.	Plaintiff: H, F	Defendants: Abraham Cohen will provide the foundation for the document as the CEO and sole employee of Collins Cash. It is an admission against interest per FRE 804(b)(3) and a business record per 803(6).	
Trial Ex. 113	P	08/27/2019 [AEO] Email from the SmartBiz Team to Abraham Cohen re Know your client's business debt coverage	CC3478-CC3479	Abraham Cohen and Evan Singer: likelihood of confusion			
Trial Ex. 114	P	10/22/2019 [AEO] Email from the SmartBiz Team to Abraham Cohen re SEO tips to attract new clients	CC3582-CC3583	Abraham Cohen and Evan Singer: likelihood of confusion			
Trial Ex. 115	P	10/31/2019 Email from Alan Crystal to Brent Looney Fwd: November and December (Singer Depo Ex. 34, ECF No. 50-2 Ex. AA)	BF0092939-BF0092945	Evan Singer: likelihood of confusion			

Trial Ex. 116	P	11/08/2019 Smart Business Funding Marketing email re Thank you to our Veterans (ECF No. 50-1 Ex. AB)	BF0000159-BF0000160	Evan Singer: likelihood of confusion			
Trial Ex. 117	J	11/22/2019 Email from David Singer to Evan Singer fw: we invite you to explore our financing options (Singer Depo Ex. 23)	BF0092870-BF0092871	P: Evan Singer: likelihood of confusion D: Evan Singer: demonstrative evidence and impeachment evidence.			
Trial Ex. 118	J	03/24/2020 Email from Patrick Larkin OnDeck to Choe Lee re Your Application for COLLINS CASH INC. and App #3254427 is Incomplete (Singer Depo Ex. 36)	BF0092886-BF0092887	P: Evan Singer: likelihood of confusion, willfulness, and rebuttal to laches defense. D: Abraham Cohen and Evan Singer: demonstrative evidence and impeachment evidence.			
Trial Ex. 119	J	03/25/2020-04/01/2020 Email string between Travis Kozlovsky and Abraham Cohen re SmartBiz Application for Collins Cash (Singer Depo Ex. 22)	BF0092889-BF0092892	P: Evan Singer: likelihood of confusion, willfulness D: Evan Singer: demonstrative evidence and impeachment evidence.			
Trial Ex. 120	P	https://www.youtube.com/channel/UC4NZufjnhk78iSQNjmG7dIQ/featured		Evan Singer: likelihood of confusion			

Trial Ex. 121	P	https://www.linkedin.com/company/smartbiz-loans/		Evan Singer: likelihood of confusion			
Trial Ex. 122	P	https://twitter.com/smartbizloans		Evan Singer: likelihood of confusion			
Trial Ex. 123	P	https://www.facebook.com/smartbizloans		Evan Singer: likelihood of confusion			
Trial Ex. 124	P	https://www.instagram.com/smartbizloans/		Evan Singer: likelihood of confusion			
Trial Ex. 125	P	01/2016-09/2020 [SEALED] BillFloat Marketing Costs (ECF No. 50-1 Ex. I)	BF0000179- BF0000181	Evan Singer: likelihood of confusion			
Trial Ex. 126	P	04/14/2020 Cease and desist letter from Robert Hale to Anthony Collin (Cohen Depo Ex. 2, ECF No. 50-1 Ex. AC)		Abraham Cohen and Evan Singer: likelihood of confusion, willfulness			
Trial Ex. 127	P	05/28/2020 [AEO] Letter from Karl Kronenberger to Anthony Collin re Demand to Cease and Desist Infringement and other unlawful Conduct (ECF No. 50-1 Ex. V)		Abraham Cohen and Evan Singer: likelihood of confusion, willfulness			
Trial Ex. 128	P	06/19/2020 Letter from Firouzeh Nur-Vaccaro to Karl Kronenberger re Cease and Desist Letter to Smart Business Funding		Abraham Cohen: likelihood of confusion, willfulness			
Trial Ex. 129	P	09/08/2020 Letter from Karl Kronenberger to Firouzeh Nur-Vaccaro re Final Cease and Desist Letter; Notice to Preserve Documents for Litigation	CC3974- CC3976	Abraham Cohen and Evan Singer: likelihood of confusion, willfulness			

Trial Ex. 130	J	05/02/2020 SMART BUSINESS FUNDING Trademark Application US Serial No. 88898248 (Cohen Depo Ex. 3, Keegan Depo Ex. AH, ECF No. 42 Ex. 55, ECF No. 50 Ex. W)		P: Abraham Cohen and Mark Keegan: likelihood of confusion, willfulness D: Abraham Cohen: demonstrative evidence and supporting testimonial evidence from percipient witness; public record	Plaintiff: MIL, H	Defendants: Defendants have opposed the MIL. This is a public record per FRE 803(8).	
Trial Ex. 131	J	10/20/2020 Email notice of new voice mail message to Nick Fragoso from Mike Brooks (Singer Depo Exs. 31, 38)	BF0092948-BF0092949	P: Evan Singer: rebuttal evidence to laches defense D: Abraham Cohen and Evan Singer: demonstrative evidence and impeachment evidence.	Plaintiff: H, F, R, P	Defendants: Evan Singer is the corporate witness for this document. It is a business record 803(6) and recorded recollection 803(5). It shows plaintiff continuing to accept referrals from Collins Cash.	
Trial Ex. 132	P	05/10/2022 SmartBiz Business Partners List (ECF No. 50-1 Ex. A)		Evan Singer: likelihood of confusion, rebuttal evidence to laches defense			
Trial Ex. 133	J	02/25/2013 Certificate of Incorporation of Collins Cash Inc.	CC313-314	P: Abraham Cohen: foundational evidence D: Abraham Cohen: demonstrative evidence and supporting testimonial			

				evidence; public record			
Trial Ex. 134	P	2017-2015 Aleks Flom Emails (ECF No. 50-1 Ex. B)		Evan Singer: rebuttal evidence to laches defenses	Defendants: H, F, R, IC	Plaintiff: Pursuant to FRE801, these emails are not hearsay to the extent they are not being offered to prove the truth of the statements in those emails, but instead, to demonstrate that BillFloat sent out emails with those statements (e.g., "I wanted to connect with you in regards to our strategic partnership program."), to a large list of potential partners. Furthermore, pursuant to FRE803(3), they demonstrate Mr. Flom's state of mind regarding specific intent to target individual companies based on their presence on a marketing list, as opposed to his personal knowledge. Also, Pursuant to FRE803(6), Mr. Singer will establish that these emails are business records of BillFloat that were contemporaneously recorded and kept in the ordinary course of business. Mr. Singer will further testify as to their foundation and relevance, in particular, to rebut Defendants' laches	

						theory that a 2015 email from Mr. Flom to Collins Cash allegedly demonstrates knowledge of the Smart Business Funding mark that should be imputed to Plaintiff. Further, the emails compiled in TX134 are complete records.	
Trial Ex. 135	P	Smart Business Funding Site (ECF No. 50-1 Ex. M)		Abraham Cohen: likelihood of confusion			
Trial Ex. 136	P	11/06/2021-12/16/2014 Analytics – smartbusinessfunder.com (Cohen Depo Ex. AA)		Abraham Cohen: likelihood of confusion			
Trial Ex. 137	J	12/16/2014 Email from Danny Koshanfar to Anthony Collin re 5 names	CC327-CC328	P: Abraham Cohen: likelihood of confusion, willfulness D: Abraham Cohen, demonstrative evidence and supporting testimonial evidence	Plaintiff: H, F, R, P	Defendants: Abraham Cohen will provide the foundation for this document as a recorded recollection of when Collins Cash adopted SMART BUSINESS FUNDING	
Trial Ex. 138	P	12/17/2014 Email from domain.com to Abraham Cohen re Import: Please validate your domain name (smartbusinessfunder.com)	CC363	Abraham Cohen: likelihood of confusion, willfulness			

Trial Ex. 139	J	12/17/2014 Email from domain.com to Abraham Cohen re Your Domain.Com Order Confirmation & Login Info (smartbusinessfunder.com)	CC335-CC336	P: Abraham Cohen: likelihood of confusion, willfulness D: Abraham Cohen, demonstrative evidence and supporting testimonial evidence	Plaintiff: H, F, R, P	Defendants: Abraham Cohen will provide the foundation for this document as a business record (803(6)) of when Collins Cash adopted SMART BUSINESS FUNDING	
Trial Ex. 140	P	12/30/2014-01/01/2015 [AEO] Email string between Abraham Cohen and Bob Nelson re Smart Business Funding Social Media	CC3599	Abraham Cohen: likelihood of confusion			
Trial Ex. 141	P	02/03/2015 BillFloat Better Finance SmartBiz Tradeshow Banner, Design Proof Round 9	BF0000271-BF0000274	Evan Singer: likelihood of confusion and foundation Abraham Cohen: likelihood of confusion, willfulness			
Trial Ex. 142	P	02/20/2015 [AEO] Email from Abraham Cohen to Bob Nelson re Smart Business Funding – Marketing Project	CC3598	Abraham Cohen: likelihood of confusion, willfulness			
Trial Ex. 143	J	03/11/2015-07/15/2021 Location Report	CC331-CC334	P: Abraham Cohen: likelihood of confusion D: Abraham Cohen: demonstrative evidence and supporting testimonial evidence			

Trial Ex. 144	P	05/20/2015 [AEO] Email from Anthony Collin to Ignite Visibility re Top Industries	CC4807-CC4810	Abraham Cohen: likelihood of confusion, willfulness			
Trial Ex. 145	P	09/15/2015 [AEO] Email from Google AdWords to Anthony Collin re Your AdWords account: Ads not running due to AdWords Advertising Policies	CC4851-CC4852	Abraham Cohen: likelihood of confusion, willfulness			
Trial Ex. 146	P	04/14/2016 [AEO] Email from Anthony Collins to Giselle Delfin Email re Your ISO Called Me- Please Call Him Back and Update us. (Cohen Depo Ex. R, ECF No. 50-1 Ex. Q)	CC1021	Abraham Cohen: likelihood of confusion			
Trial Ex. 147	P	05/18/2016 Email re Spauling Insurance Agency (Cohen Depo Ex. S)	CC1022	Abraham Cohen: likelihood of confusion			
Trial Ex. 148	P	06/05/2016 [AEO] Email from Anthony Collin to Andrew Graham re How it works	CC4339	Abraham Cohen: likelihood of confusion			
Trial Ex. 149	P	06/01/2016-06/07/2016 [AEO] Email string between Anthony Collin and Mikel Bruce re smartbusinessfunder.com – website contract	CC4721-CC4729	Abraham Cohen: likelihood of confusion			
Trial Ex. 150	J	01/11/2017 SmartBiz Partner Program Terms and Conditions (Cohen Depo Ex. 6, Singer Depo Ex. 25, ECF No. 50 Ex. U)	BF0092800-BF0092811	P: Abraham Cohen and Evan Singer: likelihood of confusion, rebuttal evidence to laches defense. D: Evan Singer: demonstrative evidence and impeachment evidence.	Plaintiff: F, H, R, P, IC	Defendants: Abraham Cohen will provide the foundation for this document. It is a business record of the terms of the arrangement between the parties (803(6)).	

Trial Ex. 151	P	05/29/2018 [AEO] Email from SmartBiz Team to Abraham Cohen re Anthony has joined you team on Partner Assist!	CC3382	Abraham Cohen: likelihood of confusion, willfulness			
Trial Ex. 152	J	06/06/2018 Email re Approved SmartBiz Partner (Cohen Depo Ex. Y, ECF No. 50-1 Ex. E)	CC1171	P: Abraham Cohen: likelihood of confusion, willfulness D: Abraham Cohen: demonstrative evidence and supporting testimonial evidence	Plaintiff: F, H, R, P, IC	Defendants: Abraham Cohen will provide the foundation for this document. It is a business record of the terms of the arrangement between the parties (803(6)) and timing of relationship.	
Trial Ex. 153	P	06/19/2018 Email between Murray Steinman and Mike Brooks FW: It's summer! Is your business ready to grow? (Cohen Depo Ex. Z, ECF No. 50-1 Ex. P)	CC1189	Abraham Cohen: likelihood of confusion Steinman: impeachment	Defendants: H, F	Plaintiff: Pursuant to FRE803(1), FRE803(3), and/or FRE807, Mr. Steinman's statements in TX153 demonstrate his then-existing state of mind (i.e., confusion) and present sense impression of what had been communicated to him in an email. Further, pursuant to FRE803(6), the document is a business record of Collins Cash, that was produced by Collins Cash in this case. Plaintiff expects that Mr. Cohen will verify that the record was contemporaneous and kept in the course of regular business. Alternatively, TX153 is being offered to impeach the credibility of Mr. Cohen who is expected to testify that he was unaware of any	

						individuals actually being confused between Collins Cash and BillFloat.	
Trial Ex. 154	P	05/13/2019 [AEO] Email string between Abraham Cohen and Pamela Maida re Deal	CC3557	Abraham Cohen: likelihood of confusion			
Trial Ex. 155	P	01/29/2020 [AEO] Email from Phillip Bailey to Abraham Cohen and others re Funded – Elizabeth Wormald (Penrith Inc) – Deal ID 19629077	CC3741-CC3742	Abraham Cohen: likelihood of confusion			
Trial Ex. 156	P	02/01/2021 [AEO] Emails between Michael Brumback and Anthony Collins re Following Up (ECF No. 50-1 Ex. O)	CC1127-CC1132	Abraham Cohen: likelihood of confusion			
Trial Ex. 157	P	03/11/2021 Email from smartbusinessfunding@smartbusinessfunding.co to evan@smartbizloans.com re March Madness!	BF0092838-BF0092839	Abraham Cohen: likelihood of confusion			
Trial Ex. 158	P	03/24/2021 Email re Martin’s Home for Services Inc. (Cohen Depo Ex. X)	CC1138	Abraham Cohen: likelihood of confusion			
Trial Ex. 159	P	10/21/2020 Email from smartbusinessfunding@smartbusinessfunding.co to evan@smartbizloans.com re October Surprise Funding!	BF0092828-BF0092829	Abraham Cohen: likelihood of confusion			
Trial Ex. 160	P	11/07/2021 Email from Tevra L. Smith (Cohen Depo Ex. Q)	CC1018	Abraham Cohen: likelihood of confusion			
Trial Ex. 161	P	12/07/2021-12/08/2021 [AEO] Emails between Yosef Scheff and Anthony Collins re Commission (ECF No. 50-1 Ex. R)	CC4123-CC4124	Abraham Cohen: likelihood of confusion			

Trial Ex. 162		[AEO] Social Media Brand Expansion	CCE19	Abraham Cohen: likelihood of confusion			
Trial Ex. 163	P	2014-2021 Master Loan Spreadsheet (Cohen Depo Ex. P)		Abraham Cohen: likelihood of confusion			
Trial Ex. 164	P	2015-2020 [AEO] Copies of Smart Business Funding Merchant Cash Advance Agreements	CC364-887	Abraham Cohen: likelihood of confusion			
Trial Ex. 165	J	2020 [AEO] Collins Cash Inc. Tax Return for 2020 (Cohen Depo Ex. AC)	CC982-CC1015	P: Abraham Cohen and Stan Smith: damages D: Abraham Cohen: demonstrative evidence and supporting testimonial evidence.			
Trial Ex. 166	J	2020 [AEO] Collins Cash Inc. Tax Returns for 2015-2018	CC108-CC199	P: Abraham Cohen and Stan Smith: damages D: Abraham Cohen: demonstrative evidence and supporting testimonial evidence.			
Trial Ex. 167	J	2020 [AEO] Collins Cash Inc. Tax Return for 2019	CC207-CC216	P: Abraham Cohen and Stan Smith: damages D: Abraham Cohen: demonstrative evidence and			

				supporting testimonial evidence.			
Trial Ex. 168	P	Collins Cash Financials - 2021-present	CC5308- CC5381	Abraham Cohen and Stan Smith: damages			
Trial Ex. 169	P	05/10/2022 Stan Smith's Curriculum Vitae		Stan Smith: damages			
Trial Ex. 170	P	05/10/2022 Table 1 from Expert Report of Stan Smith		Stan Smith: damages			
Trial Ex. 171	P	05/10/2022 Table 2 from Expert Report of Stan Smith		Stan Smith: damages			
Trial Ex. 172	P	05/10/2022 Table 3 from Expert Report of Stan Smith		Stan Smith: damages			
Trial Ex. 173	P	05/10/2022 Table 4 from Expert Report of Stan Smith		Stan Smith: damages			
Trial Ex. 174	P	05/10/2022 Table 5 from Expert Report of Stan Smith		Stan Smith: damages			
Trial Ex. 175	P	05/10/2022 Spreadsheet of Collins Cash's Business Deals		Stan Smith: damages			
Trial Ex. 176	P	[AEO] 05/10/2022 Financial Statements from Collins Cash from 2015-2020;		Stan Smith: damages			
Trial Ex. 177	P	05/10/2022 List of Collins Cash's Current Outstanding Business Debts		Stan Smith: damages			
Trial Ex. 178	P	05/10/2022 Mark Keegan's Curriculum Vitae		Mark Keegan: likelihood of confusion, impeachment			
Trial Ex. 179	P	02/18/2022-03/01/2022 Raw Data (Kegan Depo Ex. AK, ECF No. 43-1 Ex. 6)		Mark Keegan: likelihood of confusion, impeachment			

Trial Ex. 180	P	04/26/2022 Email from Gordon Gray to Jesse Salen, et al. Re: SmartBiz v. Collins - Expert Data (ECF No. 43-1 Ex. 7)		Mark Keegan: likelihood of confusion, impeachment			
Trial Ex. 181	J	2011 Reference Guide on Survey Research (Federal Judicial Center ed., 3d ed. 2011) by Shari Seidman Diamond (ECF No. 43-1 Ex. 8)		P: Melissa Pittaoulis and Mark Keegan: likelihood of confusion and rebuttal. Mark Keegan: impeachment D: Melissa Pittaoulis, demonstrative and impeachment evidence	The parties stipulate that this exhibit may be used at trial in accordance with Fed. R. Evid. 803(18), but will not be entered as an exhibit.		
Trial Ex. 182	P	2013 Trademark Surveys by Jacob Jacoby, Vol. 1, Design, Implementing, and Evaluating Surveys 507 (American Bar Association 2013) (ECF No. 43-1 Ex. 9)		Melissa Pittaoulis and Mark Keegan: likelihood of confusion and rebuttal Mark Keegan: impeachment	The parties stipulate that this exhibit may be used at trial in accordance with Fed. R. Evid. 803(18), but will not be entered as an exhibit.		
Trial Ex. 183	J	2014 Control Groups In Lanham Act Surveys by Eugene P. Ericksen and Melissa A. Pittaoulis (ECF No. 49-1 Ex. 76)		P: Melissa Pittaoulis and Mark Keegan: likelihood of confusion and rebuttal. Mark Keegan: impeachment D: Melissa Pittaoulis, demonstrative and impeachment evidence	The parties stipulate that this exhibit may be used at trial in accordance with Fed. R. Evid. 803(18), but will not be entered as an exhibit.		

Trial Ex. 184	J	2016 Eveready And Squirt Cognitively Updated by Jerre B. Swann (ECF No. 49-1 Ex. 77)		P: Melissa Pittaoulis and Mark Keegan: likelihood of confusion and rebuttal. Mark Keegan: impeachment D: Melissa Pittaoulis, demonstrative and impeachment evidence	The parties stipulate that this exhibit may be used at trial in accordance with Fed. R. Evid. 803(18), but will not be entered as an exhibit.	
Trial Ex. 185	P	2022 6 McCarthy on Trademarks and Unfair Competition § 32:159 (5th ed.) (ECF No. 43-1 Ex. 3)		Melissa Pittaoulis and Mark Keegan: likelihood of confusion and rebuttal Mark Keegan: impeachment	The parties stipulate that this exhibit may be used at trial in accordance with Fed. R. Evid. 803(18), but will not be entered as an exhibit.	
Trial Ex. 186	J	Experimental Design and the Selection of Controls in Trademark and Deceptive Advertising Surveys by Jacob Jacoby, 92 Trademark Reporter 890 (ECF No. 49-1 Ex. 78)		P: Melissa Pittaoulis and Mark Keegan: likelihood of confusion and rebuttal. Mark Keegan: impeachment D: Melissa Pittaoulis, demonstrative and impeachment evidence	The parties stipulate that this exhibit may be used at trial in accordance with Fed. R. Evid. 803(18), but will not be entered as an exhibit.	
Trial Ex. 187	P	09/19/2019 Right Reverend Charles G. vonRosenberg, et al., the Episcopal Church v. the Right Reverend Mark J. Lawrence, case no. 2:13-cv-00587-RMG, Order and Opinion (Keegan Depo Ex. AI)		Mark Keegan: rebuttal and impeachment	Defendants: H, R, MIL, P Plaintiff: TX187 is a public record pursuant to FRE803(8). Plaintiff intends to use TX187 to impeach Mr. Keegan about the reliability of his survey methodology. Plaintiff's position is further	

						explained in its opposition brief to Defendants' Motion in Limine No. 3 (ECF No. 82 at 7-10.)	
Trial Ex. 188	P	08/13/2021 Beyond Blonde v. Heldman III, CV 20-5581 DSF (GJSx), Order DENYING Defendant and Counterclaimant Comedy MX, LLC's Motion for a Preliminary Injunction (Keegan Depo Ex. AG)		Mark Keegan: rebuttal and impeachment	Defendants: H, R, MIL, P	Plaintiff: TX188 is a public record pursuant to FRE803(8). Plaintiff intends to use TX188 to impeach Mr. Keegan about the reliability of his survey methodology. Plaintiff's position is further explained in its opposition brief to Defendants' Motion in Limine No. 3 (ECF No. 82 at 7-10.)	
Trial Ex. 189	P	11/20/2021 Kudos Inc. v. Kudoboard LLC, et al., case no. 20-cv-01876-SI, Order re: Pending Motions (Keegan Depo Ex. AJ)		Mark Keegan: rebuttal and impeachment	Defendants: H, R, MIL, P	Plaintiff: TX189 is a public record pursuant to FRE803(8). Plaintiff intends to use TX189 to impeach Mr. Keegan about the reliability of his survey methodology. Plaintiff's position is further explained in its opposition brief to Defendants' Motion in Limine No. 3 (ECF No. 82 at 7-10.)	
Trial Ex. 190	P	05/31/2022 Melissa Pittaoulis' Curriculum Vitae		Melissa Pittaoulis: likelihood of confusion			
Trial Ex. 191	P	07/01/2015 UCC Order All Lenders Spreadsheet	BF0021804-BF0053219	Evan Singer: likelihood of confusion			
Trial Ex. 192		INTENTIONALLY LEFT BLANK					

Trial Ex. 193	D	Document with the “Amazon” logo (Singer Depo Ex. 13)		Evan Singer: demonstrative evidence and impeachment evidence.	Plaintiff: F, R, P, H	Defendants: It is a public record and/or subject to judicial notice as to the public’s knowledge of the Amazon logo. It goes to the Sleekcraft factors on sight.	
Trial Ex. 194	D	Document with the “Amazon” logo (Singer Depo Ex. 14)		Evan Singer: demonstrative evidence and impeachment evidence.	Plaintiff: F, R, P, H	Defendants: It is a public record and/or subject to judicial notice as to the public’s knowledge of the Amazon logo. It goes to the Sleekcraft factors on sight.	
Trial Ex. 195	D	Document with the “Amazon” logo		Evan Singer: demonstrative evidence and impeachment evidence.	Plaintiff: F, R, P, H	Defendants: It is a public record and/or subject to judicial notice as to the public’s knowledge of the Amazon logo. It goes to the Sleekcraft factors on sight.	
Trial Ex. 196	D	Singer Depo Ex. 27	BF0092921	Evan Singer: demonstrative evidence and impeachment evidence.	Plaintiff: H, R, P	Defendants: It is a recorded recollection per 803(5) and shows plaintiff’s knowledge of defendant’s use of mark.	
Trial Ex. 197	D	Singer Depo Ex. 34	BF0092939-BF0092945	Abraham Cohen and Evan Singer: demonstrative evidence and impeachment evidence.	Plaintiff: H, R, P	Defendants: It is an admission against interest per 804(b)(3).	
Trial Ex. 198	D	Email dated 8/31/15, Subject: SmartBiz Loans Partnership Opportunity	CC217	Abraham Cohen and Evan Singer: demonstrative evidence and impeachment evidence.	Plaintiff: H, R, P	Defendants: It is an admission against interest per 804(b)(3) and a business record per 803(6).	
Trial Ex. 199	D	Screen capture of sbnonline.com (Singer Depo Ex. 40)		Evan Singer: demonstrative evidence and impeachment evidence.	Plaintiff: A, H, R	Defendants: Abraham Cohen will authenticate the document. It is a present sense impression for	

						consumers in the marketplace (803(1)).	
Trial Ex. 200	D	Screen capture of Smart Business Credit (Singer Depo Ex. 41)		Evan Singer: demonstrative evidence and impeachment	Plaintiff: A, H, R, P	Defendants: Abraham Cohen will authenticate the document. It is a present sense impression for consumers in the marketplace (803(1)).	
Trial Ex. 201	D	Screen capture of SmartBusinessDealmakers.com (Singer Depo Ex. 42)		Evan Singer: demonstrative evidence and impeachment evidence.	Plaintiff: A, H, R, P	Defendants: Abraham Cohen will authenticate the document. It is a present sense impression for consumers in the marketplace (803(1)).	
Trial Ex. 202	D	Screen capture for SBS, Smart Business Solutions, LLC (Singer Depo Ex. 43)		Evan Singer: demonstrative evidence and impeachment evidence.	Plaintiff: A, H, R, P	Defendants: Abraham Cohen will authenticate the document. It is a present sense impression for consumers in the marketplace (803(1)).	
Trial Ex. 203	D	INTENTIONALLY LEFT BLANK					
Trial Ex. 204		INTENTIONALLY LEFT BLANK					
Trial Ex. 205	D	Text conversation between Abraham Cohen and Danielle Ott, dated May 16, 2018	BF0092858-BF0092860	Abraham Cohen, demonstrative evidence and supporting testimonial evidence			

Trial Ex. 206		INTENTIONALLY LEFT BLANK					
Trial Ex. 207		INTENTIONALLY LEFT BLANK					
Trial Ex. 208	D	SBF website, 2-15-15	CC218	Abraham Cohen, demonstrative evidence and supporting testimonial evidence.	Plaintiff: IC, H	Defendants: It is a business record per 803(6) and shows use of mark by defendant Collins Cash	
Trial Ex. 209	D	Office Action, dated July 29, 2020 for U.S. TM Appln. No. 88/898248 for SMART BUSINESS FUNDING	CC940 – CC967	Abraham Cohen, demonstrative evidence and	Plaintiff: H, R, P	Defendants: It is a public record per 803(8) relevant to likelihood of confusion analysis.	
Trial Ex. 210	D	Response to Office Action, dated August 12, 2020 for U.S. TM Appln. No. 88/898248 for SMART BUSINESS FUNDING	CC902 – CC939	Abraham Cohen, demonstrative evidence and supporting testimonial evidence; public record	Plaintiff: H, R, P	Defendants: It is a public record per 803(8) relevant to likelihood of confusion analysis.	
Trial Ex. 211	D	Expert Report of Mark Keegan, Exhibit 1		Mark Keegan, demonstrative evidence and supporting testimonial evidence.			
Trial Ex. 212	D	Expert Report of Mark Keegan, Exhibit 2		Mark Keegan, demonstrative evidence and supporting testimonial evidence.			

Trial Ex. 213	D	Expert Report of Mark Keegan, Exhibit 3		Mark Keegan, demonstrative evidence and supporting testimonial evidence.			
Trial Ex. 214	D	Expert Report of Mark Keegan, Exhibit 4		Mark Keegan, demonstrative evidence and supporting			
Trial Ex. 215	D	Expert Report of Mark Keegan, Exhibit 5 [PRODUCED ELECTRONICALLY]		Mark Keegan, demonstrative evidence and supporting testimonial evidence.			
Trial Ex. 216	D	Expert Report of Mark Keegan, Exhibit 6		Mark Keegan, demonstrative evidence and supporting testimonial evidence.			
Trial Ex. 217	D	Expert Report of Mark Keegan, Exhibit 7		Mark Keegan, demonstrative evidence and supporting testimonial evidence.			
Trial Ex. 218	D	Debanked Ad – 4/21/2020	CC1	Abraham Cohen, demonstrative evidence and supporting testimonial evidence			
Trial Ex. 219	D	SBF Google listing 4/14/2021	CC92	Abraham Cohen, demonstrative evidence and supporting	Plaintiff: H, F, R, P	Defendants: Abraham Cohen will lay the foundation for this document as a sample advertisement of defendant's	

				testimonial evidence		mark. It is a business record per 803(6).	
Trial Ex. 220		INTENTIONALLY LEFT BLANK					
Trial Ex. 221	D	Trial testimony declaration of Melissa Pittaoulis in <i>Gilead</i> case		Melissa Pittaoulis, demonstrative evidence and impeachment evidence	Plaintiff: F, H, R, P	Defendants: Dr. Pittaoulis will provide foundation. It is her prior testimony per 804(b)(1).	
Trial Ex. 222	D	TTAB decision		Melissa Pittaoulis, public record, demonstrative evidence and impeachment evidence	Plaintiff: F, H, R, P	Defendants: It is a public record per 803(8) regarding Dr. Pittaoulis' survey methodology.	
Trial Ex. 223	D	Trade show display – 2021	CC94	Abraham Cohen, demonstrative evidence and supporting testimonial evidence	Plaintiff: H, R	Defendants: It is a business record per 803(6) showing use of the mark at issue.	
Trial Ex. 224	D	SBF Twitter profile	CC105	Abraham Cohen, demonstrative evidence and supporting testimonial evidence			
Trial Ex. 225	D	SBF BBB listing, 04/14/2021	CC75-CC82, CC85-CC88	Abraham Cohen, demonstrative evidence and supporting testimonial evidence			

Trial Ex. 226	D	SBF FaceBook listing, 04/14/2021	CC90	Abraham Cohen, demonstrative evidence and supporting testimonial evidence			
Trial Ex. 227	D	SBF Google Ad, 4/14/2021	CC91 - CC92	Abraham Cohen, demonstrative evidence and supporting testimonial evidence			
Trial Ex. 228	D	SBF Instagram page, 4/14/2021	CC93	Abraham Cohen, demonstrative evidence and supporting testimonial evidence			
Trial Ex. 229	D	SBF Trust Pilot page, 04/14/2021	CC95 – C104	Abraham Cohen, demonstrative evidence and supporting testimonial evidence Evan Singer/likelihood of confusion			
Trial Ex. 230	D	July 26, 2019 email from Tiffany Martinez (SmartBiz) to Anthony Collin	CC1061	Abraham Cohen, demonstrative evidence and supporting testimonial evidence	Plaintiff: H, R	Defendants: It is a recorded recollection per 803(5) and business record per 803(6) showing plaintiff's ongoing knowledge of defendant's use of mark	
Trial Ex. 231	D	April 17, 2020 email chain with Abraham Cohen, Mike Brooks and Elzy Castillo	CC1074 - 1076	Abraham Cohen, demonstrative evidence and supporting testimonial evidence	Plaintiff: H, R	Defendants: It is a recorded recollection per 803(5) and business record per 803(6) showing plaintiff's ongoing knowledge of defendant's use of mark	

Trial Ex. 232	D	November 16, 2020 email chain with Mike Brooks and Nick Fragoso	CC1107 - 1123	Abraham Cohen, demonstrative evidence and supporting testimonial evidence	Plaintiff: H, R	Defendants: It is a recorded recollection per 803(5) and business record per 803(6) showing plaintiff's ongoing knowledge of defendant's use of mark	
Trial Ex. 233	D	Collins Cash, Inc.'s master deals spreadsheet	CC E1	Abraham Cohen, evidence and supporting demonstrative testimonial evidence			
Trial Ex. 234	D	09/02/2020 Notice of Publication for SMART BUSINESS FUNDING U.S. Trademark Application No. 88898248 (ECF No. 42 Ex. 53)		Abraham Cohen, demonstrative evidence and supporting testimonial evidence; public record	Plaintiff: MIL	Defendants: Defendants have opposed this MIL.	
Trial Ex. 235	D	07/15/2020 Letter of Protest concerning U.S. Application Serial No. 88898248 for the mark SMART BUSINESS FUNDING (Singer Depo Ex. 37, ECF No. 42 Ex. 54)		Abraham Cohen and Evan Singer: demonstrative evidence and impeachment evidence.	Plaintiff: H, R, P, MIL	Defendants: Defendants have opposed this MIL. It is a public record, admission against interest	
Trial Ex. 236	D	02/19/2021 Email from Marlee Taxy to Brian Griner re Missing information to pay partners (Singer Depo Ex. 44)	BF0092883	Evan Singer: demonstrative evidence and impeachment evidence.	Plaintiff: F, H, R, P	Defendants: Mr. Singer has identified himself as the corporate witness for this document. It is an admission against interest per 804(b)(3).	
Trial Ex. 237	D	04/29/2021 Email chain re Notice of Termination of the SmartBiz Partner Program Terms & Conditions by and between SmartBiz Loans and Collins Cash, Inc. dba Smart Business Funding (the "Agreement") (Singer Depo Ex. 39)		Abraham Cohen and Evan Singer: demonstrative evidence and impeachment evidence.	Plaintiff: F, H, R, P	Defendants: Abraham Cohen will provide foundation for this document. It is a recorded recollection per 803(5) and business record (803(6)) and shows contract was not terminated until after suit was filed.	